



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

701 Fifth Avenue, Suite 3210
Seattle, Washington 98104

King County Charter Review Commission
Governmental Structure Subcommittee
Meeting Minutes – January 14, 2008
KC Chinook Bldg., 5:00pm-8:00pm

The meeting of the King County Charter Review Commission, Governmental Structure Subcommittee was called to order at 5:21 p.m.

Commission members in attendance:

Lois North
Mike Lowry
Sarah Rindlaub
John Jensen
Kirstin Haugen
Dan Gandara
Darcy Goodman

Conference call in: 5:22 pm
Greg Hirakawa

Absent:

Trisha Bennett
Tara Jo Heinecke

Staff :

Mark Yango, Charter Review Coordinator
Corrie Watterson Bryant, Project Manager, Charter Review Commission
Charlotte Ohashi, Executive Office

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council
Mike Sinsky, Prosecuting Attorney's Office
Rebecha Cusack, King County Council Liaison to the Commission
Nick Wagner, King County Council Co-Liaison to the Commission
Grace Reamer, Legislative Aide, Councilmember Kathy Lambert, District 3

Guest:

The Honorable Kathy Lambert, King County Council

DRAFT

1. Opening Remarks and Introductions

Sarah Rindlaub chair. There was an attendance of 7 commissioners. A quorum was available and the minutes from December 10 were approved with corrections.

Approved: 6 Abstain: 1

With the arrival of Gov. Lowry, there was a total of 8 commissioners in attendance

Mark gave a brief recap of the last meeting and the decisions that arose from discussions.

2. Strengthening the Charter Review Commission

Corrie had done a comparison paper of other home rule charter counties in the State on how they handle their initiative/amendment process and the subcommittee now had the letter from the council, which 7 councilmembers signed, on their opposition to Commission recommendations going straight to ballot rather than through the council for review and inclusion to ballot.

- Council states that historically, they have been responsive to recommendations by the CRC but some commissioners feel that most of the recommendations passed onto the ballot have been housekeeping items and few have been real substantive recommendations.
- In Council's letter, 7 of 9 members are opposed shifting of the balance of power through electing the charter review commission.
- The council does play a role in appointment of commissioners as they do have a say in the proposal of commissioner appointments. In the past, in a more formal process, the commissioners have had to go through a council confirmation process which reviews each individual. However in this charter session the executive disagreed on the process with the council. A determination was made that the council truly has confirmation authority but in the interest of time, Council negotiated with the executive through a compromise on the appointments. Subsequent to the agreement, the PAO later confirmed that the better interpretation of the Charter was that the Council did have confirmation authority over appointment of the commission members.
- The appointment and confirmation process is important. It allows a diversity of expertise to discuss the issues at hand, some on the committee feels that the hard work of the commission is diminished and negated when its recommendations are ignored and the process of making those recommendations seems to be the integrity of the commission. It's felt that the commission as a body is useless if its work outcome is substantive and passed over.
- If a recommendation is placed on the council agenda for discussion, there is always a public hearing period where not only the general public but the commissioners can testify. If a recommendation does not come up for discussion, there is the tool of using the citizen's initiative to bring the issue to the forefront.
- One Commissioner discussed that the legislative branch members were elected, and that they had a duty under the charter to review CRC recommendations, including the right to simply disagree with them.

MOTION: Moved that the next commission be elected with the field being 2 representatives from each KC Council district for a total of 18 commissioners and their recommendations go directly to the voters

Motion was seconded. VOTE: Approve: 3 Oppose: 4
Motion failed.

Discussion: There is a concern that if the commissioners were elected, the field would not be a diverse enough representation of the county and the amendments put forward may not be in the best interest of the county. Discussion on possible models to use and background on the original intent of the commission.

The current appointment process is established by provisions in the charter that says the executive appoints and the executive appointments are subject to confirmation by a majority of the council. So, the appointment process is a charter issue rather than a statute or rule. With this commission appointment it was agreed by both the executive and the legislative branches that ratification of the appointments need not take place in the interest of moving the work of the commission forward with the understanding that the work of the commission would come forward to the council for their deliberation with the goal of getting clarity for the future relative to the confirmation process.

Suggestion: Perhaps Lois and/or Mike can meet with the Council Chair to discuss the concerns of the commission that substantive issues are given priority by the council for ballot approval. These are the tough issues that have been thoroughly discussed, researched and thought out by the commission for a year and half, which is the belief that the commission was set up to do, and it becomes discouraging when the hard work spear-headed by a community-minded group is ignored. The housekeeping issues, although important, seem to be more of the type of issues that council staff can deal with rather than the councilmembers, in recommendations for the legislative side. Subsequent to that, Kathy Lambert clarified the difference between technical and substantive amendments.

ACTION: Gov. Lowry arrived late and after bringing him up to date on the discussion, he stated that he would have voted for the motion presented for elected commissioners. The subcommittee accepted a loose re-vote of: Approve: 4 Oppose: 4

The motion stands as tied.

DECISION: It was agreed that the issue of electing or appointing future commissions go before the full commission with the explanation that the subcommittee had a very heated and long discussion and could not come to a consensus.

3. Re-confirmation of Executive Appointed Department Heads

Councilmember Lambert briefed the subcommittee on the letter she had written to the commission stating her concerns with the appointment process of department heads. She advocates a re-confirmation process be added as an amendment to the charter specifically for appointed department heads. Re-confirmation is required for other county boards and commissions which the executive appoints and she feels the process should be the same for all executive appointed positions. Specific language would be: *The appointments by the county executive shall be subject to confirmation by a majority of the county council at least every three years.*

Councilmember Lambert feels this process will be a good check and balance of the skill base of department heads by allowing a periodic reassessment of those skills by the council. She feels that skill needs change over time and some executive appointments have not kept up with those changes. Currently, the council has no authority over senior personnel issues in the executive branch.

Although the councilmember will author her own initiative if the commission decides not to bring the issue forward, she earnestly wished to have the commission consider this stance.

An informative Q & A ensued with the councilmember and it was decided that the subcommittee will table to issue to learn more about the legality of the change and the executive's position. The suggestion was seconded and the vote was unanimous.

4. Rebut of Appointed/Elected Elections Director Position

Handing over the chair to Kirsten Haugen, Sarah asked the subcommittee to reconsider the last meeting's decision on recommending the status quo of the elections director to the full commission. She feels that the position is the most important job in the county and because the general public feeling is pro elected elections director, having the commission recommend an appointed director will seem contrary to that opinion. She is also concerned with how that decision affects the credibility of the commission as a whole as the issue is going to the voters anyway and there seems to be an assumption that it may pass given the current preceptions on the latest election management.

There was a discussion on the perception of the decision made and perhaps need to clarify the position taken. Since the issue is already going to ballot, if the commission was silent on a recommendation, there would not be a perception of taking a position on the issue. The commission's work is not to endorse a position in politics or to come up with solutions to specific problems but to propose changes to the charter.

MOTION: The subcommittee recommends to the full commission that the commission take no position and neither endorse nor oppose the initiative is going before the voters.

Amendment: to take no position on whether the position is elected or appointed and not mention the initiative.

Discussion: There was a difference of opinion in the intention of the motion action taken in the last meeting and most felt it meant no change to the charter and if the commission is recommending no change because the issue is going before the voters to be decided, the charter would stand as is. But, perhaps there does need to be a clarification so that there will be no other perception of the intent.

Agreement: The motion was probably not needed but to clarify position, the subcommittee agrees that there will be no action to propose a change to the charter and no position will be taken on the initiative.

Approved: Unanimous

5. Final Review of Subcommittee Issues

Mark reviewed the actions taken by the subcommittee

- Recommendation of a 20% signature threshold
- Recommend elected charter review commissioners with amendments going straight to ballot
- Tabled appointment authority for members of the CRC
- Recommend Option 1 for elected officials qualifications
- Recommend maintaining the status quo on Assessor and Sheriff positions
- Recommend no change on the elections director position
- Recommend to maintain status quo in voting system process
- Recommend to maintain status quo in partisanship/nonpartisanship system

The above issues will be presented to the full commission on Jan. 29 and will be open for discussion by the full commission. Action should be taken at the February meeting of the full commission.

Next meeting: Tuesday, January 29, 5:00 – 5:30 pm (before the full commission meeting)

- Will be going over summary positions on the above issues for the full commission

Next regularly scheduled meeting: Monday, February 11, 2008, 5:00 – 8:00 pm

Meeting adjourned: 7:00 pm

Respectfully submitted by: Charlotte Ohashi